S.B. Civil Writ Petition No.6124/05
Vijay Kumar Mishra Vs. State & Ors.

Date of Order : 10/03/2006

Hon'ble Mr. Justice Ajay Rastogi

Mr. Shiv Charan Gupta, for petitioner

The petitioner was initially appointed as Nakedar in Municipal Board, Navalgarh and was confirmed on the said post on 15th December, 1983. The State Government under its policy decision transferred the petitioner as Gram Sevak Paden Sachiv vide order dt.1st November, 1999 [Ann.3]. In pursuant to the said order, the petitioner is presently working in Panchayat Samiti, Buhana, District Jhunjhunu.

Counsel for petitioner submits that such transfers made of permanent employees of Municipalities were questioned at the Principal Seat at Jodhpur in **S.B. Civil Writ Petition No.4574/99, Chugni Karamchari Sangh Vs. State of Rajasthan & Ors.,** which was decided on 26th April, 2001 where it was observed that those who have joined as Gram Sewak-cum-Secretary, their cases shall also be considered in their respective municipalities as and when vacancies are made available. Counsel further submits that despite vacancies in Municipal Board, Navalgarh are available, his candidature has not been considered. He has also submitted representation, but no heed was paid.

Before going into merits of the matter, I consider it proper to direct the respondents to

consider the representation filed by the petitioner and decide the same in the light of judgment in **Chugni Karamchari Sangh Vs. State of Rajasthan & Ors. [supra]** within a period of two months from the date certified copy is submitted in their office in accordance with law. Copy of the decision be communicated to him. However, if petitioner finds aggrieved, he will be free to avail remedy available under law.

With the above observations, the writ petition stands disposed of.

[Ajay Rastogi],J.

FRB